

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SEBASTIAN NICOLAS,

Defendant.

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8:12CR119

ORDER

This matter is before the Court on the motion of defendant Sebastian Nicolas (Nicolas) for a continuance of trial (Filing No. 34). The motion did not comply with NECrimR 12.1 (a) and paragraph 9 of the Progression Order in that the motion was not accompanied by the defendant's affidavit or declaration stating that defendant:

- (1) Has been advised by counsel of the reasons for seeking a continuance;
- (2) Understands that the time sought by the extension may be excluded from any calculation of time under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*; and
- (3) With this understanding and knowledge, agrees to the filing of the motion.

Piza was given until May 31, 2012, to comply with the requirements set forth above (Filing No. 35). No such affidavit has been filed.

Accordingly, the motion for a continuance of trial (Filing No. 34) is denied. Trial shall remain set for June 18, 2012, at 08:30 a.m. before the Honorable Joseph F. Bataillon.

IT IS SO ORDERED.

DATED this 1st day of June, 2012.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge